

## **SUBDIVISION MEETING**

### **February 23, 2006**

Chair Anita Varone called the meeting to order at 9:00 a.m.

Commissioners Murray and Commissioner Tinsley are present. Others attending all or portion of the meeting include Ron Alles, Jerry Grebenc, Audra Zacherl, Paul Putz, Cheryl Green, Karen Hruska, Paulette DeHart, Carole Byrnes, Art Pembroke, Phil Wirth, Frank Rives, Laura Erikson, Nancy Everson, Rocky Haralson, Michael McHugh, Jason Mohr, Ron Solberg, Trevor Taylor, Jim Taylor, Lonnie Brookshire, Brooke Pierson, Toni Pierson, Barbara Hamburg, Ray Andes, Dick Thweatt, Chris Sinrud, Eric Wandel, Amy Herrington, Dave Hughes, and Maria Penna.

Pledge of Allegiance. Everyone recited the pledge.

Consent Action Items. Ron Alles reported on the consent items.

- a. Vendor Claims Report for the week of February 20, 2006. (Audra Zacherl)
- b. Resolution Declaring County Property Surplus Property. Individual value more than \$2,500--Porta Floor at the Fairgrounds.
- c. Resolution Declaring County Property Surplus Property. Individual value less than \$2,500—cell phones and a copy machine at the Public Works Department.
- d. Application for Annual State Historic Preservation Grant - \$5,500. (Paul Putz)
- e. Resolution Ordering a Refund of Taxes/Fees/Assessments Paid. Colleen Estorga \$2,094.94 (Cheryl Green)
- f. Request for One-Year Extension to February 11, 2007 of Preliminary Plat Approval for Fieldstone Estates Major Subdivision. (Applicant, Fieldstone LLC) (Planner, Jerry Grebenc) (Continued from 2/21/06)
- g. Proclamation. Retirement of Karen Hruska.

Commissioner Varone pulled consent item 'g' to read the Proclamation. The Commissioners congratulated Karen on her retirement. She worked in the ITS department since 1978 and her last day is tomorrow.

Commissioner Tinsley pulled consent item 'f' for discussion.

Commissioner Tinsley moved to approve remaining consent items 'a-e' and authorize the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Consent Item 'f'. Ron Alles reported he spoke with the County Attorney who indicated it is a Commission decision on whether they chose to extend this deadline, but he felt more comfortable as legal counsel for the County that the extension be granted.

Commissioner Murray asked if this is the last and final year of extensions and whether a court order is necessary. Jerry Grebenc stated under statute and normal procedure this would be the final year of preliminary plat approval, if granted. Regarding whether a court order is necessary, due to litigation, it depends on whether preliminary plat

approval has been tolled. The county's legal counsel has indicated a District Judge will make that determination.

Commissioner Murray understands that due diligence has been performed in this subdivision solely on the application for water rights. Mr. Grebenc stated from staff's standpoint and the legal standpoint, the applicants have exhibited due diligence.

Commissioner Murray moved to extend preliminary plat approval for the 4<sup>th</sup> and final year. Commissioner Varone seconded the motion. Commissioner Tinsley voted against this extension request because he is not completely satisfied with the representative's counsel who appears to be pursuing a parallel track in the extension process. The motion carried 2-1.

Final Plat Approval and the Subdivision Improvements Agreement for the Bridge Creek Estates Major Subdivision. (Applicant, Phil Wirth) Frank Rives reported the applicant has met all of the conditions of approval, with the exception of some road improvements. A subdivision improvements agreement is attached for the uncompleted work. Staff recommends approval of the final plat and the agreement. Commissioner Tinsley moved to approve the final plat and the subdivision improvements agreement and authorize the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Sierra Road South Wastewater Treatment Facilities Draft Preliminary Engineering Report. Commissioner Murray reported the continuation of the public hearing was held at Rossiter School and by consensus, the Commission agreed to extend the hearing through tomorrow. The issue before the Commission today is whether to act on this or continue the hearing. Commissioner Tinsley moved that the Commission extend the written public comment period to Friday, March 10. Commissioner Murray seconded the motion.

Commissioner Murray stated at the Rossiter School meeting it was agreed to get the City Manager to hold a meeting on annexation prior to March 10. The City policy has not changed--anyone who hooks up to the system will be required to sign an annexation agreement with the City of Helena. Also, the City is in the process of adopting a new annexation ordinance. Ron Alles stated the City is reviewing its policy and explained it in more detail. Basically, if City services are used they will continue to annex properties.

Commissioner Varone stated today's action does not address annexation. It simply is an update of a portion of the Helena Area Wastewater Treatment plan.

The Commission tentatively scheduled this for rehearing again on Thursday, March 9 in case we need to extend the deadline again for public comment.

The motion to extend the written public comment period to March 10 carried unanimously.

Public comments on matters not mentioned above. None.

There was no other business and the meeting adjourned at 9:22 a.m.

LEWIS AND CLARK COUNTY  
BOARD OF COMMISSIONERS

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Anita L. Varone, Chair

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Michael A. Murray, Vice-Chair

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Ed Tinsley, Member

ATTEST:

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Paulette DeHart, Clerk of the Board